

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Criminal Case No. 11-cr-00278-PAB

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. DAVID J. LAWLESS,

Defendant.

**INDICTMENT
18 U.S.C. § 844(i)
Arson of Building and Other Real Property in Interstate Commerce
18 U.S.C. § 924(c), 921(a)(3) and (4)
Use of a Destructive Device During and in Relation to a Crime of Violence**

The Grand Jury charges:

COUNT 1

On or about June 25, 2011, in the State and District of Colorado, the defendant, DAVID J. LAWLESS, did maliciously damage and destroy, and attempt to damage and destroy, by means of fire and an explosive, a building and other real and personal property used in interstate or foreign commerce and used in any activity affecting interstate or foreign commerce; to wit: the building and contents of the Borders Books and Music located at 14500 W. Colfax Avenue, Lakewood, Colorado.

All in violation of Title 18, United States Code, Section 844(i).

COUNT 2

The Grand Jury further charges that:

On or about June 25, 2011, in the State and District of Colorado, the defendant, DAVID J. LAWLESS, during and in relation to a crime of violence, and in furtherance of that crime, namely: use of fire and explosive to damage and destroy and attempt to damage and destroy a building and other real and personal property in interstate commerce, in violation of Title 18, United States Code, Section 844(i), as charged in Count 1, did knowingly use and carry, and possess, a destructive device, to wit: an improvised explosive device (“IED”), also known as a homemade bomb.

All in violation of Title 18, United States Code, Section 924(c) and Title 18, United States Code, Sections 921(a)(3) and (4).

COUNT 3

The Grand Jury further charges that:

On or about June 24, 2011, in the State and District of Colorado, the defendant, DAVID J. LAWLESS, did maliciously damage and destroy, and attempt to damage and destroy, by means of fire and an explosive, a building and other real and personal property used in interstate or foreign commerce and used in any activity affecting interstate or foreign commerce; to wit: the building and contents of the Urban Sombrero Restaurant located at 16221 E. 40th, Denver, Colorado.

All in violation of Title 18, United States Code, Section 844(i).

TRUE BILL

Ink signature on file in the clerk's office
FOREPERSON

JOHN F. WALSH
United States Attorney

By: s/ Gregory Holloway
GREGORY HOLLOWAY, WSBA #28743
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INFORMATION SHEET

DEFENDANT DAVID J. LAWLESS

YEAR OF BIRTH: 1980

ADDRESS: In Custody

COMPLAINT FILED? X YES NO

IF YES, PROVIDE MAGISTRATE CASE NUMBER: 1:11-mj-01105-MJW

HAS DEFENDANT BEEN ARRESTED ON COMPLAINT? YES

OFFENSE: **Counts 1 and 3:** 18 U.S.C. § 844(i):
Arson of Building and Other Real Property in Interstate Commerce

Count 2: 18 U.S.C. § 924(c), 921(a)(3) and (4):
Use of a Destructive Device During and in Relation to a Crime of
Violence

LOCATION OF OFFENSE: Jefferson County, Colorado.

PENALTY: **Counts 1 and 3:** NLT 5 years imprisonment, NMT 20 years
imprisonment; \$250,000 fine, or both; NMT 5 years supervised
release; \$100.00 Special Assessment Fee; and restitution

Count 2: NLT 30 years imprisonment, NMT life imprisonment
(consecutive to any other sentence imposed); \$250,000 fine, or
both; NMT 5 years supervised release; \$100 Special Assessment
Fee; and restitution

AGENTS: Investigator David Swavely – JCSO / TFO FBI-JTTF
Investigator Paul Barben – Lakewood PD / TFO ATF

AUTHORIZED BY: Gregory Holloway, Assistant United States Attorney

ESTIMATED TIME OF TRIAL:

 X five days or less over five days other

THE GOVERNMENT

 X will seek detention in this case will **not** seek detention in this case

The statutory presumption of detention **is** applicable to this defendant.

OCDETF CASE: Yes X No